

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF JULY 28, 2011**

Stephen Huddleston, J.D., President called the meeting to order at 8:50 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present:	Stephen Huddleston, J.D., Consumer Member, President Bharat Barai, M.D., Vice President Robert Allen, M.D. Lynda Smirz, M.D. Worthe Holt, Jr., M.D.
Members Absent:	Donald Vennekotter, M.D., Secretary Kirk Masten, D.O.
Staff Present:	Kristen Kelley, Board Director Professional Licensing Agency Donna Moran, Litigation Specialist Professional Licensing Agency James Schmidt, Deputy Attorney General Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Smirz/Barai, 4/0/0  
Motion carries

The Board voted to adopt the minutes of the May 26, 2011 and June 23, 2011 meetings.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D.

Smirz/Barai, 4/0/0  
Motion carries

## **PERSONAL APPEARANCES**

The following was continued:

**Mouhab Aljajeh, M.D.**

The following failed to appear:

**Steven Svabek, D.O.**

**Philip Johnson, M.D.**

**Dominic Maga, D.O.**

**Desmond Nunan, D.O.**

The following withdrew the application for renewal:

**Chung Kim, M.D.**

The following appeared before the full Board for personal appearances and were sworn in under oath:

**Betty Campbell, M.D., License # 01026509A** – Dr. Campbell appeared before the Board regarding documentation received by the Board on her renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Campbell currently does not have malpractice insurance. Her coverage has been denied by two separate insurance carriers.

After discussion the Board moved to CONTINUE this matter and requested that Dr. Campbell obtain a letter from the insurance carriers as to why her coverage was denied.

Smirz/Barai, 5/0/0  
Motion carries

**Cheryl Southern, M.D., License # 01033547A** – Dr. Southern appeared before the Board regarding a positive response on her renewal application and was represented by counsel, Allen Yackey.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Lynda Smirz, M.D. recused herself from this hearing.

Dr. Southern's privileges were denied at Clarian North on September 1, 2009.

She currently has privileges at Community East and Community North. Suburban Health gave her a 1 year, rather than 2 year renewal but she has not had any problems anyplace other than Clarian.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to practice while reviewed" allowing Dr. Southern to continue to practice while the AG's office investigates this matter.

Allen/Barai, 4/0/0  
Motion carries

**Daniel Quinn, M.D., License # 01068307A** – Dr. Quinn appeared before the Board regarding his waiver and was represented by counsel, Barclay Wong.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Quinn was granted a waiver by the Board two (2) years ago to complete his training. Dr. Quinn was required to appear before the Board with a plan of serving the public at the time of license renewal.

Dr. Quinn requested to withdraw his application for renewal as he has plans to practice in the State of Ohio.

After discussion the Board moved to APPROVE Dr. Quinn's request to WITHDRAW his renewal application.

Smirz/Barai, 5/0/0  
Motion carries

**Karen Butler, M.D., License # 01058658A** – Dr. Butler appeared before the Board regarding documentation received by the Board on her renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Butler informed the Board that she failed to report an income tax evasion on her initial application approximately 27 years ago.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to practice while reviewed" allowing Dr. Butler to continue to practice while the AG's office investigates this matter.

Allen/Smirz, 5/0/0  
Motion carries

**Randall K. Carpenter, M.D., License # 01020756A** – Dr. Carpenter appeared before the Board regarding documentation received by the Board on his renewal application and was represented by counsel, Mark Beaverstad

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

The Department of Insurance informed the medical board staff that Dr. Carpenter did not meet the appropriate standard of care in a malpractice suit. A formal complaint was then filed by staff with the Attorney General's Office. This complaint is still pending.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to practice while reviewed" allowing Dr. Carpenter to continue to practice while the AG's office investigates this matter.

Allen/Barai, 5/0/0  
Motion carries

**Michelle Harrison, M.D., License # 01049107A** – Dr. Harrison appeared before the Board regarding a positive response on her renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Harrison reported that restrictions were placed on her hospital privileges after a surgical issue.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to practice while reviewed" allowing Dr. Harrison to continue to practice while the AG's office investigates this matter.

Barai/Allen, 5/0/0  
Motion carries

**Timothy Hodgini, D.O., License # 02001358A** – Dr. Hodgini appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Hodgini completed a pretrial diversion program in which he attended an anger management course. This was completed February 2010.

After discussion, the Board moved to APPROVE Dr. Hodgini's application for license renewal.

Smirz/Barai, 5/0/0  
Motion carries

**Kenneth Kirkman, M.D., License # 01043002A** – Dr. Kirkman appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Kirkman had a romantic relationship with a patient. He took her out to dinner and the next week he released her from his care. His employer terminated him for inappropriate relations with a patient. He did not report this information to the Board.

After discussion, the Board moved to APPROVE Dr. Kirkman's application for license renewal.

Holt/Allen, 5/0/0  
Motion carries

**Paul Nelson, M.D., License # 01067798A** – Dr. Nelson appeared before the Board regarding documentation received by the Board on his renewal application and was represented by counsel, John Ittenbach.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Dr. Nelson withdrew his application in the state of South Dakota while under investigation. The investigation was regarding psychological and/or physical impairment. He has since completed counseling with a psychologist.

He did not realize this was a reportable event therefore he did not report it on his renewal application.

After discussion, the Board moved to APPROVE Dr. Nelson's application for license renewal.

Allen/Smirz, 4/0/0

**Sukhdev Soni, M.D., License # 01034400A** – Dr. Soni appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

In April 2009, the state of Illinois issued Dr. Soni a reprimand and fined him \$1,000. The state of Florida followed suite and also issued a reprimand and fine.

Dr. Soni did not report this information on his Indiana license renewal application.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to practice while reviewed" allowing Dr. Soni to continue to practice while the AG's office investigates this matter.

Barai/Allen, 5/0/0  
Motion carries

**Charles Xeller, M.D., License # 01049677A** – Dr. Xeller appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Xeller's Washington license was issued with conditions. He did not report this information on his renewal application.

He currently works at the VA Hospital.

After discussion, the Board moved to APPROVE Dr. Xeller's application for license renewal.

Smirz/Allen, 5/0/0  
Motion carries

**Michael Bermudez, M.D., License # 01061935A** – Dr. Bermudez appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Fred Frick, M.D., ISMA, was sworn in as a witness.

Dr. Frick testified that Dr. Bermudez has signed a five (5) year contract with ISMA.

After discussion, the Board moved to APPROVE Dr. Bermudez's application for license renewal.

Barai/Smirz, 5/0/0  
Motion carries

**Julius Ellis, M.D., License # 01052711A** – Dr. Ellis appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Laura Singh.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Ellis entered into an agreement with DEA concerning the dispensing of controlled substances in regards to weight loss. He has no issues with prescribing. DEA considered it inappropriate dispensing because he was not on sight at all times.

He was required to pay a \$50,000 fine.

A complaint filed with the Attorney General's Office is still pending.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of his license will be "Valid to practice while reviewed" allowing Dr. Ellis to continue to practice while the AG's office investigates this matter.

Allen/Barai, 5/0/0  
Motion carries

**Jeffrey L. Stambough, M.D., License # 01042479A** – Dr. Stambough appeared before the Board regarding positive responses on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Stambough signed a consent agree with the State of Ohio for five (5) years probation and he is in Ohio's impaired physician's monitoring program.

The State of Pennsylvania followed suite and placed his license on three (3) years probation.

He has spoken with Candace Backer, ISMA.

Dr. Stambough requested a continuance of this matter in order to obtain counsel.

After discussion, the Board moved to CONTINUE this matter until the August 2011 meeting.

Allen/Barai, 5/0/0  
Motion carries

**Pamela Strange, M.D., License # 01042906A** – Dr. Strange appeared before the Board regarding a positive response on her renewal application and was represented by counsel, Ronald Elberger.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Dr. Strange, a radiologist worked nights reading films. She reads more films than any other radiologist.

Her privileges were suspended due to a high error rate. Her privileges were then placed on probation for one year. Her error rate was less than one-half (1/2) the national average.

After discussion, the Board moved to APPROVE Dr. Strange's application for license renewal.

Smirz/Allen, 4/0/0  
Motion carries



**Chad Weare, M.D., License # 01057466A** – Dr. Weare appeared before the Board regarding documentation received by the Board on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Weare did not report a malpractice settlement of \$3,000,000 on his renewal application.

He indicated that he did not complete his renewal application, his office administrator did. He also stated that he did sign it but did not review the questions or answers.

After discussion, the Board moved to APPROVE Dr. Weare's request for license renewal.

Allen/Barai, 5/0/0  
Motion carries

**Kristine Knapp, M.D., License # 01054610A** – Dr. Knapp appeared before the Board regarding a positive response on her renewal application and was represented by counsel Mary Watts.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Lynda Smirz, M.D. recused herself from this hearing.

Dennis Weatherford, CEO, Putnam County Hospital appeared in person on behalf of Dr. Knapp.

August 2009, Dr. Knapp's medical staff privileges were suspended pending the outcome of a comprehensive evaluation for impairment, including substance abuse and behavioral or mental health issues.

Dr Knapp was evaluated by Fred Frick, M.D., ISMA and he deemed that she is not a candidate for the Impaired Physicians Program at ISMA.

She was evaluated by a Forensic Psychiatrist, Ned P. Masbaum, M.D.. Dr. Masbaum determined that Dr Knapp showed no clinical signs that she has a form of addiction or substance abuse.

Dr. Masbaum also stated she does not exhibit impairment in the form of mental health or behavioral problems.

Dr. Knapp completed a vacuum delivery workshop at the Hamilton Medical Center in Dalton, GA on February 26, 2010.

Dr. Weatherford indicated that as far as he knows there have been no issues with Dr. Knapp regarding her practice, relationship with staff and/or patients.

A complaint has been filed with the Attorney General's Office and is currently still pending.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to practice while reviewed" allowing Dr. Knapp to continue to practice while the AG's office investigates this matter.

Allen/Barai, 4/0/0  
Motion carries

This Board re-opened this matter at the request of Michael Minglin, Senior Deputy Attorney General.

Lynda Smirz, M.D. recused herself from this hearing.

Mr. Minglin informed the Board that the Attorney General's Office closed the complaint against Dr. Knapp.

After discussion, the Board moved to APPROVE Dr. Knapp's request for license renewal. Barai/Allen, no vote motion fails.

The Board gave Mr. Minglin documents received during the personal appearance from Clarian and upon review Mr. Minglin chose to keep the case open.

After discussion, the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE ATTORNEY GENERAL'S OFFICE for investigation in accordance with IC 25-1-5-4(g)(4). The status of her license will be "Valid to practice while reviewed" allowing Dr. Knapp to continue to practice while the AG's office investigates this matter.

Allen/Barai, 4/0/0  
Motion carries

**Steven Bojarski, M.D., Initial application** – Dr. Bojarski appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was represented by counsel, Brian Betner.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE."

Dr. Bojarski passed both steps 2 and 3 on the 4<sup>th</sup> attempt.

Thomas Huth, M.D., Vice President Medical Affairs, Reid Hospital and Health Care Services appeared on behalf of Dr. Bojarski.

After discussion, the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Appearance of Thomas Huth, M.D., Vice President Medical Affairs, Reid Hospital and Health Care Services.
- Three (3) year employment contract with Reid Physician Associates which is employed by Reid Hospital and Health Care Services covering five (5) Indiana counties and two (2) counties in Ohio. Wayne County specifically is designated by Health Resources and Services Administration as a low income county.
- Obligation to comply with Reid Hospital's charity care program and related community benefit obligations.
- Board eligible – has taken his oral examination and is scheduled in September 2011 to take the written portion of the examination.
- Licenses held in Louisiana, Virginia and Delaware.
- No action taken in any state.
- Practiced for two (2) years in the state of Virginia.
- Letter from Craid Kinyor, President, CEO of Reid Hospital & Health Care Services demonstrating the need for Dr. Bojarski as a Neurologist.
- Letters of recommendation from the following:
  1. William Black Jr., M.D., Chief of Staff, Reid Hospital & Health Care Services
  2. Thomas Huth, M.D., Vice President, Medical Affairs, Reid Hospital & Health Care Services
  3. Debra Elliott, M.D., Associate Professor of Clinical Neurology, Director, Residency Training Program, Louisiana State University School of Medicine
  4. S. L. Jaffe, M.D., Magale Professor of Neurology, Dept of Neurology, Louisiana State University School of Medicine

Holt/Barai, 5/0/0  
Motion carries

**Chibiko Onyeukwu, D.O., Initial Application** – Dr. Onyeukwu appeared before the Board regarding the fact that he cannot obtain his medical school transcript and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Onyeukwu is unable to obtain his transcripts from Moscow Russia.

Dr. Onyeukwu informed the Board that he was living in Nigeria/Biafra when a civil war broke out. They were forced to flee the city where they left all of their papers which included Dr. Onyeukwu's medical school transcripts.

He has obtained licenses in the States of New York and Georgia without the transcripts.

He completed his residency training at Harlem Hospital, Columbia University Medical Center.

In 1978 he settled a malpractice action for \$2,500.

After discussion, the Board moved to APPROVE Dr. Onyeukwu's application for licensure.

Smirz/Barai, 5/0/0  
Motion carries

**Daniel Orozco, D.O., Initial Application** – Dr. Orozco appeared before the Board regarding a waiver of the USMLE three (3) attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE."

Dr. Orozco passed step 3 on the fourth (4<sup>th</sup>) attempt.

Dr. Orozco has licenses in the states of Wisconsin, Oklahoma and Illinois.

He does not have an employment contract and no one appeared on his behalf.

After discussion the Board gave Dr. Orozco the opportunity to request to withdraw.

Dr. Orozco requested to withdraw his application for licensure.

The Board moved to APPROVE Dr. Orozco's request to WITHDRAW his application for licensure.

Holt/Allen, 5/0/0  
Motion carries

**Yi Tang, M.D., Initial Application** – Dr. Tang appeared before the regarding a waiver of the USMLE three (3) attempts rule and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

844 IAC 4-4.5-12(2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE."

His postgraduate training is not ACGME accredited.

Kumar Sandrasegaran, M.D., Associate Professor of Radiology, Director of Abdominal Imaging Fellowship Program at IUSOM appeared on behalf of Dr. Tang.

Dr. Sandrasegaran testified that he has offered Dr. Tang a one (1) year fellowship with the IUSOM Abdominal Imaging Fellowship Program.

Letters of recommendation were submitted from the following:

1. Samuel Patz, PhD., Associate Professor of Radiology, Harvard Medical School
2. Lawrence Panych, PhD., Associate Professor of Radiology, Brigham and Women's Hospital, Harvard Medical School
3. Ferenc Jolesz, M.D., Director of MIR Division, Brigham and Women's Hospital, Harvard Medical School
4. Ehud Schmidt, PhD., Associate Professor of Radiology, Harvard Medical School
5. Hiroto Hatabu, M.D., PhD., Clinical Director MRI Program, Associate Professor of Radiology, Harvard Medical School
6. Clare Tempany, Brigham and Women's Hospital, Harvard Medical School
7. Rivka Colen, M.D.
8. Janice Fairhurst, Lead Interventional MRI tech

After discussion the Board determined that Dr. Tang has not met the minimum standards set by the Board in which to obtain a waiver. The Board gave Dr. Tang the option to withdraw and reapply for a Fellowship/Residency Permit.

Dr. Tang requested to WITHDRAW his application for licensure.

The Board moved to APPROVE Dr. Tang's request to WITHDRAW his application for licensure.

Holt/Allen, 5/0/0  
Motion carries

**Michael Kilbourne, M.D., Residency Application** – Dr. Kilbourne appeared before the Board regarding documentation received by the Board and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Cynthia at Indiana University School of Medicine contacted the medical board staff to inquire on why Dr. Kilbourne's permit had not been issued since it was complete. She indicated Dr. Kilbourne received an email from our Case Manager, Meredith Shirley stating "Acceptance of your medical license verification from another jurisdiction has been processed and approved. We now have all documentation for you to proceed with temporary clinical practice".

The address on the email was meshirley@pla.IN.gov. This is not a correct email address and we never refer to residency permits as 'temporary clinical practice'.

Dr. Kilbourne stated that he did not forge the email and has no idea who did.

After discussion, the Board moved to APPROVE Dr. Kilbourne's application for a residency permit.

Barai/Smirz, 5/0/0  
Motion carries

### **ADMINISTRATIVE HEARINGS**

#### **Charles R. Chube, M.D., License No. 01045841A, Cause No. 2005 MLB 0023**

Respondent did appear in person and was represented by counsel Gregory Thomas regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Dr. Chube is enrolled in the Drexel reentry program and will arrange a preceptorship prior to reappearing before the Board.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of the SUMMARY SUSPENSION for a period of ninety (90) days.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Barai/Smirz, 4/0/0  
Motion carries

**Kimberly Lynn Daffern, M.D., License No. 01052191A, Cause No. 2011 MLB 0009**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default and Response Motion to Continue scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Dr. Daffern did respond to the Notice of Proposed Default stating she was unable to travel to Indiana due to criminal charges in Florida.

Ms. Swartzell requested that the Board continue this matter so that she can file an amended complaint.

After discussion and taking its file into consideration the Board moved to CONTINUE this matter for sixty (60) days.

Allen/Smirz, 5/0/0  
Motion carries

**Constance E. Fryman, D.O., License No. 02000811A, Cause No. 2011 MLB 0015**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Constance E. Fryman, D.O. is also known as Constance Ange, D.O.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Holt/Smirz, 5/0/0  
Motion carries

Dr. Fryman's license in Ohio has been placed on probation for improperly issuing prescriptions. She pre-signed prescriptions and was permitting members of her office staff, who were not legally authorized to prescribe, to complete the pre-signed prescription for patients for dangerous drugs and/or controlled substances.

After discussion, the Board found the Respondent in violation of count 1.

Smirz/Barai, 5/0/0  
Motion carries

The Board further moved to place the Respondent's license on INDEFINITE PROBATION with terms and conditions.

Smirz/Barai, 5/0/0

The Board further moved to issue a FINE of \$500 payable within ninety (90) days.

Allen/Barai, 5/0/0  
Motion carries

**Michael Stephen Insler, M.D., License No. 01057929A, Cause No. 2011 MLB 0017**

Respondent did appear in person and was represented by counsel Barclay Wong regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Dr. Insler has been disciplined in the following states Florida, Tennessee, Illinois, Georgia, Ohio, Missouri, Pennsylvania and New York.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND.

After reviewing the settlement agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Barai/Allen, 4/0/0  
Motion carries



The Board further moved to NOT issue a fine in this matter.

Allen/Barai, 4/0/0  
Motion carries

**Michael Person, M.D., License No. 01044171A, Cause No. 2008 MLB 0014**

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Amber Swartzell, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.  
Kristen Kelley, Board Director was sworn in as a witness.

Ms. Kelley testified that Dr. Person is compliant with all the terms of his probationary order.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to WITHDRAWAL the ORDER OF PROBATION.

Barai/Smirz, 5/0/0  
Motion carries

**Stephen Kyle Rogers, M.D., License No. 01054781A, Cause No. 2011 MLB 0021**

Respondent did not appear in person and was not represented by counsel regarding a Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D.

Mr. Minglin spoke with Dr. Rogers' attorney John Pinnick. Mr. Pinnick indicated that his criminal trial is set for August 29, 2011 and he recommends the summary suspension be extended until after his criminal trial.

After having considered the evidence presented and taking official notice of its file in this matter, the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Holt/Smirz, 5/0/0

Motion carries

**Gregory Lee Spangler, M.D., License No. 01028174A, Cause No. 2010 MLB 0010**

Respondent did appear in person and was represented by counsel Barclay Wong regarding a Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Candace Backer, ISMA was sworn in as a witness on behalf of the Respondent.

Ms. Backer testified that the Respondent signed a contract with ISMA in 2010. He is in compliance with his contract.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the agreement, considering the testimony of the witness and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Barai/Allen, 4/0/0  
Motion carries

The Board further moved to issue a FINE of \$500 per count. The complaint contains three separate counts making the total of the FINE \$1,500 payable within eight (8) months.

Barai/Smirz, 4/0/0  
Motion carries

**Jay Andrew Hockman, License No. 01050894A, Cause No. 2011 MLB 0027**

Respondent did not appear in person and was represented by counsel Sandra Cruz regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Lynda Smirz, M.D.

Dr. Hockman received notice of this hearing the day before and he contacted his attorney Robert Saint who is on vacation. Ms. Cruz appeared in place of Mr. Saint. She is requesting a continuance of the final hearing in this matter but they agree to a summary suspension.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION until the August 2011 meeting.

Smirz/Allen, 4/0/0  
Motion carries

**Nicholas Alan Doyle, M.D., License No. 01060700A, Cause No. 2011 MLB 0026**

Respondent did appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Michael Minglin, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Lynda Smirz, M.D. recused herself from this hearing.

Dr. Doyle was using a hospital computer to communicate explicitly with someone he thought was an adult. The profile was false and this person was actually a minor.

His supervisor informed him to stop engaging in this practice using the hospital computer. He continued to speak with the person for about a week after he was told to stop. Once he did stop the person called IU and told them about her conversations with Dr. Doyle and that she was a minor.

IU suspended Dr. Doyle's privileges.

Dr. Doyle indicated that he has not sought counseling or CME's regarding this matter.

Dr. Doyle did not report this information on his 2011 license renewal.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Holt, 4/0/0  
Motion carries

### **DISCUSSION ITEMS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D.,

Correspondence from Geri Dharma Defrese, D.O. regarding correction to board minutes – Dr. Defrese wrote a letter to the Board indicating that the March 2011 minutes has statements that are incorrect and she would like the Board to correct them.

The minutes currently read: "Dr. Defrese's North Carolina license was denied due to the fact that she did not inform them of an Operating While Intoxicated conviction that she received."

She states it should be changed to: "Dr. Defrese's North Carolina license was denied due to her failure to report a 2005 arrest for public intoxication."

The minutes currently read: "During her 1 year with ISMA she had missed seven (7) urine drug screens and had several dilute screens."

She indicates it should be changed as she doesn't agree with the number of missed screens: "During her 1 year with ISMA she missed several urine drug screens and had dilute screens"

The minutes currently read: "Her Hawaii license is restricted and she is not able to practice unless she enters their Impaired Physicians Program."

She states it should be: "Her Hawaii license is restricted and she is not able to practice unless she enters the Hawaii Assistant Physicians Program."

The Board moved to APPROVE the changes to the March 24, 2011 minutes.

### **CONSENSUS**

Correspondence from ISMA RE: Request for proposed rule to clarify IC 16-48-1

Mike Rinebold, ISMA, appeared before the Board regarding legislation that recently passed on July 1, 2011. The new law change is regarding anatomical pathology and how it may be billed by a practitioner. There is confusion on how this should be interpreted. Payers may reimburse for a global fee, rather than just a bill from a pathology lab, which is how it was done in the past. The question is whether a MD could bill for another MD's services. The problem with the legislation is that "mark-up" and "global fees" were never defined. The law the way it is currently written would only allow you to bill for your involvement. Mr. Rinebold stated that the language was changed in conference committee and he asked that the Board consider addressing/clarifying in a rule. George Branham, pathologist from Muncie, was present and is in support of the rule change also. Mr. Rinebold indicated that he has not spoken directly with any legislators involved in the law change.

Darrell Davidson – IU School of Medicine was also present and indicated that this law change affects anatomical pathology services only.

The Board agreed to not promulgate a rule to address and they recommended that it should be addressed during next legislative session.

Report from the Office of the Attorney General regarding status of consumer complaints – Dave Miller, Special Counsel Licensing Enforcement and Gabrielle Owens, Deputy Director of Licensing Enforcement appeared before the Board regarding this matter.

They informed the Board that they have a new plan to get all cases streamlined more efficiently and to consolidate board summaries.

They will:

- Create a workflow coordinator position that will make sure there is an even distribution of work.
- Dave is special counsel to the section. Will use his experience/knowledge to help move cases forward.
- Added resources to the board due to volume
  1. Three (3) Attorney General's assigned to this board; Michael Minglin is the Senior DAG.
  2. Three (3) case analysts

They request to meet with Dr. Allen and Mr. Huddleston and staff to discuss the specifics of their plan and share progress.

The Board thanked them for their report.

New physician assistant laws – request to practice in non-contiguous counties

The Board decided that all of the non-contiguous county requests should be scheduled for personal appearances so the Board can get a better understanding on what is being requested in each specific request.

Correspondence from University of Louisville RE: Ann Walker, Resident application – Dr. Walker submitted an application for a residency permit to the Board, however she did not complete the application process therefore a permit was never issued.

Dr. Walker proceeded to do two (2) full months rotations at hospitals in Indiana without a residency permit.

Previously, the Board discussed this matter and requested that Dr. Holt contact the Program Director to discuss the issue with them. Dr. Holt did contact the program director and was satisfied with the information he received on the changes that are going to be implemented that will hopefully prevent this issue in the future. Dr. Holt requested that the program director write a letter to the Board regarding this.

The Board reviewed the letter and was very satisfied with the changes that are being implemented to prevent this issue.

The Board thanked Dr. Holt for his assistance in this matter.

**REVIEW OF INITIAL/RENEWAL APPLICATIONS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Lynda Smirz, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

The Board reviewed the positive response information on the following applicants/renewals and approved them for licensure: CONSENSUS

John Pomponi, M.D.  
Jennifer Yarger, M.D.  
Saul Wilson, M.D.  
Smita Sonwalkar, M.D., 01052018A  
Garnet Harris, M.D., 01029733A  
Gregory Nelcamp, M.D., 01064636A  
Jose Roitman, M.D., 01059233A

David Epperson, M.D., 01049523A  
Maurice Young, M.D., 01060075A  
Manmohan Singh, M.D., 01052302A  
Robert Williams, M.D., 01037193A  
Jonathan McGlothlan, M.D., 01043767A  
Randall Norris, M.D., 01028986A

Eric Rodman Stevens, M.D. – The Board reviewed the request of a waiver of the ten (10) year rule. Dr. Stevens went over the ten (10) years while obtaining his PhD.

After discussion the Board moved to APPROVE the waiver based upon his PhD.

**CONSENSUS**  
Motion carries

The Board reviewed the positive response information on the following applicants/renewals and requested them to appear before the Board:

**CONSENSUS**

Paul Barkal, M.D.  
Charles Dwan, M.D.  
Andrew Liaw, M.D.  
Justin Smith, M.D.  
David Blocker, M.D., 01042964A  
Charles Gaillard, M.D., 01056751A  
Carolyn Greer, M.D., 01047242A  
Michael Yuz, M.D., 01058030A  
Gary Wright, M.D., 01027589A  
Hesham Khalfan, M.D., 01060055A  
Roger Piatek, M.D., 01036946A  
Margo Roca, M.D., 01063198A

John Brownlee, M.D.  
Howard Hack, M.D.  
Claude Sandousky, M.D.  
Adeeb Alshahrour, M.D., 01062054A  
Mark Fiedler, M.D., 01030699A  
David Paul Gray, M.D., 01037226A  
Lee Yosowitz, M.D., 01027906A  
James Vandivier, M.D., 01019502A  
Charles Heinsen, M.D., 01021497A  
Ante Najev, M.D., 01042040A  
J. Romaine Roberts, M.D., 01067002A  
Silvio Sanchez, M.D., 01057014A

**PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS**

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Smirz/Holt, 5/0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Lynda Smirz, M.D., Robert Allen, M.D., Bharat Barai, M.D.

Timothy Barnard, PA, 10000226A  
Jamie Cormier, PA, 10001274A  
Erica Childress, PA, 10001187A  
Natalee Edwards, PA, 10001106A  
Carolyn Engle, PA, 10001163A  
Gerald Gonnella, PA, 10000264A  
Kristin Halpern, PA, 10001183A  
Jessica Hann, PA, 10001262A  
Amy Julian, PA, 10000273A  
Cassandra Kavanaugh, PA, 10001178A  
Jason Kuhnle, PA, 10001165A  
Patrice Muhammad, PA, 10000852A

There being no further business the Board adjourned at 6:30 p.m.

A handwritten signature in black ink, reading "Stephen Huddleston". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

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Stephen Huddleston, J.D., President

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Donald Vennekotter, D.O., Secretary